

SB3008



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3008

Introduced 1/20/2006, by Sen. Gary G. Dahl - Peter J. Roskam -
Wendell E. Jones

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.3

Amends the Criminal Code of 1961. Increases the penalties for criminal defacement of property by one class if the damage to the property was streetgang related.

LRB094 18885 RLC 54329 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 21-1.3 as follows:

6 (720 ILCS 5/21-1.3)

7 Sec. 21-1.3. Criminal defacement of property.

8 (a) A person commits criminal defacement of property when
9 the person knowingly damages the property of another without
10 his or her consent by defacing, deforming, or otherwise
11 damaging the property by the use of paint or any other similar
12 substance, or by the use of a writing instrument, etching tool,
13 or any other similar device.

14 (b) Criminal defacement of property is a Class A
15 misdemeanor for a first offense if the damage to the property
16 does not exceed \$300. Criminal defacement of property is a
17 Class 4 felony for a first offense if the damage to property
18 does not exceed \$300 and the damage to property is streetgang
19 related. Criminal defacement of property is a Class 4 felony if
20 the damage to property does not exceed \$300 and the property
21 damaged is a school building or place of worship. Criminal
22 defacement of property is a Class 3 felony if the damage to
23 property does not exceed \$300, the property damaged is a school
24 building or place of worship, and the damage to property is
25 streetgang related. Criminal defacement of property is a Class
26 4 felony for a second or subsequent conviction or if the damage
27 to the property exceeds \$300. Criminal defacement of property
28 is a Class 3 felony for a second or subsequent conviction if
29 the damage to property is streetgang related or if the damage
30 to the property exceeds \$300 and the damage to property is
31 streetgang related. Criminal defacement of property is a Class
32 3 felony if the damage to property exceeds \$300 and the

1 property damaged is a school building or place of worship.
2 Criminal defacement of property is a Class 2 felony if the
3 damage to property exceeds \$300, the property damaged is a
4 school building or place of worship, and the damage to property
5 is streetgang related. In addition to any other sentence that
6 may be imposed for a violation of this Section that is
7 chargeable as a Class 2, Class 3, or Class 4 felony, a person
8 convicted of criminal defacement of property shall be subject
9 to a mandatory minimum fine of \$500 plus the actual costs
10 incurred by the property owner or the unit of government to
11 abate, remediate, repair, or remove the effect of the damage to
12 the property. To the extent permitted by law, reimbursement for
13 the costs of abatement, remediation, repair, or removal shall
14 be payable to the person who incurred the costs. In addition to
15 any other sentence that may be imposed, a court shall order any
16 person convicted of criminal defacement of property to perform
17 community service for not less than 30 and not more than 120
18 hours, if community service is available in the jurisdiction.
19 The community service shall include, but need not be limited
20 to, the cleanup and repair of the damage to property that was
21 caused by the offense, or similar damage to property located in
22 the municipality or county in which the offense occurred. If
23 the property damaged is a school building, the community
24 service may include cleanup, removal, or painting over the
25 defacement. In addition, whenever any person is placed on
26 supervision for an alleged offense under this Section, the
27 supervision shall be conditioned upon the performance of the
28 community service.

29 (c) In this Section, "streetgang related" has the meaning
30 ascribed to it in Section 10 of the Streetgang Terrorism
31 Omnibus Prevention Act.

32 (Source: P.A. 90-685, eff. 1-1-99; 91-360, eff. 7-29-99;
33 91-931, eff. 6-1-01.)